UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NICHOLAS BRUNTS, *individually and on behalf of all others similarly situated*, Plaintiff, v. WALMART INC., and DOES 1 through 10, Defendants.	Case No. 4:22-CV-01043-RWS State Court Case No. 22SL-CC03829

DECLARATION OF VIRAL SHAH IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO REMAND

I, Viral Shah, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1.   I am a Senior Manager, Regulated Product Development, for Walmart Inc.

2.   I have reviewed sales data for Walmart's private brand Equate products containing dextromethorphan (DXM) that have the term "non-drowsy" on the label (the "Products").

3.   The total Missouri sales for the Products are over $5 million for the relevant time period.

4.   If Walmart is required to change the labeling on the Products, that change would need to be applied to the Products nationwide. This is because Walmart maintains a uniform label for each product around the country and could not make a Missouri specific product label.

5.   A nationwide label change would require Walmart to remove the Products already on store shelves but would also need to remove product from its distribution centers.

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6.   In addition, to develop new labeling and have products with the new labels manufactured and distributed around the country would take a considerable amount of time resulting in loss of sales.

7.   Walmart estimates that the lost sales associated with the removal and destruction of the Products combined with the sales lost during the development of a new label would also exceed $5 million for the injunctive relief alone.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 27, 2022, in Bentonville, Arkansas.

Viral Shah
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VIRAL SHAH

CERTIFICATE OF SERVICE

The Undersigned hereby certifies that a copy of the foregoing document was provided to all counsel of record automatically via the Court's electronic filing system.

/s/   Kevin Underhill   .